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OCT 15 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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October 15, 1999

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554


Re: SUPPLEMENT
Amendment of Section 73.202(b)
FM Table of Allotments
(Jackson, Kentucky and Salyersville, Kentucky)
(Petition for Rule Making Filed February 2, 1999)

Dear Ms. Salas:

Transmitted herewith on behalf of Intermountain Broadcasting Company is an original and four copies of a Supplement to its February 2, 1999 Petition for Rule Making, filed in cooperation with Wallingford Broadcasting Company, Inc., seeking the commencement of a rule making proceeding to amend the FM Table of Allotments to: (1) substitute Channel 247C2 in lieu of Channel 293A at Jackson, Kentucky and modify the WJSN(FM) license to specify operation on Channel 247C2; and (2) substitute Channel 293C3 in lieu of Channel 247A at Salyersville, Kentucky and modify the WRLV-FM license to specify operation on Channel 293C3.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


John F. Garziglia
Patricia M. Chuh

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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OCT 15 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)
)
Amendment of Section 73.202(b)) RM-
Table of Allotments) (Filed February 2, 1999)
FM Broadcast Stations)
(Jackson, Kentucky and)
Salyersville, Kentucky))

To: Chief, Allocations Branch

SUPPLEMENT TO PETITION FOR RULE MAKING

Intermountain Broadcasting Company ("IBC"), the licensee of WJSN(FM), Jackson, Kentucky, by its attorneys,^{1/} hereby supplements the February 2, 1999 Petition for Rule Making ("Petition for Rule Making") filed in cooperation with Wallingford Broadcasting Company, Inc. ("Wallingford"), the licensee of WRLV-FM, Salyersville, Kentucky, which seeks: (1) the substitution of Channel 247C2 in lieu of Channel 293A at Jackson, Kentucky and the modification of the WJSN(FM) license to specify operation on Channel 247C2; and (2) the substitution of Channel 293C3 in lieu of Channel 247A at Salyersville, Kentucky and the modification of the WRLV-FM license to specify operation on Channel 293C3 ("Allotment Proposal"). The purpose of the attached Supplement is to specify a new reference point for Channel 247C2 at Jackson, Kentucky. In support whereof, the following is respectfully submitted:

^{1/} Contemporaneously with the filing this Amendment, a Notice of Appearance was filed by Pepper & Corazzini, L.L.P. advising the Commission that Pepper & Corazzini, L.L.P. is now FCC counsel for Intermountain Broadcasting Company.

1. Unauthorized Request to Withdraw Petition for Rule Making. IBC hereby requests that the Commission disregard and dismiss the "Withdrawal of Petition for Rule Making" request filed with the Commission by Jerrold Miller, Esquire of Miller & Miller, P.C. ("Miller & Miller") on August 9, 1999 ("Unauthorized Withdrawal Request"), ostensibly acting on behalf of IBC and Wallingford. As stated in the attached Declaration of James M. Hay (President of IBC), IBC did not authorize Miller & Miller to file the Unauthorized Withdrawal Request. In fact, IBC did not learn of the filing of the Unauthorized Withdrawal Request until it received a copy in the mail. Id.

2. Specification of New Reference Coordinates Provides Required 70 dBu Coverage. The new reference coordinates (37' 40' 19" North Latitude and 83' 24' 21" West Longitude), which are at a location significantly closer to Jackson, Kentucky than originally proposed in the Petition for Rule Making, provides the required 70 dBu coverage over the community of license for WJSN(FM), Jackson, Kentucky on Channel 247C2 using both the FCC's Standard and the Longley-Rice propagation methods. See attached Engineering Supplement; 47 CFR §73.315. Accordingly, the Allotment Proposal, as supplemented herewith, may be granted pursuant to Commission precedent even though line-of-sight service cannot be provided to the entire city of Jackson, Kentucky from the new reference coordinates for Channel 247C2 due to terrain obstructions. See Madison, Indiana, DA 99-1222, MM Docket No. 98-105, RM-9295, released June 25, 1999 (Channel 266A

allotted to Madison, Indiana where petitioner able to show that 70 dBu signal extends beyond city of license); Vacaville and Middletown, California, DA 89-1489, 4 FCC Rcd 8315, Released November 28, 1989 (a site that cannot provide line-of-sight coverage suitable where proponent can demonstrate that the transmitted signal will exceed 70 dBu over the entire principal community).

WHEREFORE, for the reasons above, the Commission should promptly initiate a rule making proceeding towards: (1) the substitution of Channel 247C2 in lieu of Channel 293A at Jackson, Kentucky and the modification of the WJSN(FM) license to specify operation on Channel 247C2; and (2) the substitution of Channel 293C3 in lieu of Channel 247A at Salyersville, Kentucky and the modification of the WRLV-FM license to specify operation on Channel 293C3.

Respectfully submitted,

INTERMOUNTAIN BROADCASTING COMPANY

By: 

John F. Garziglia
Patricia M. Chuh
Its Attorneys

Pepper & Corazzini, L.L.P.
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

October 15, 1999

DECLARATION UNDER PENALTY OF PERJURY

I, James M. Hay, state under penalty of perjury that the following is true and correct of my personal knowledge and belief:

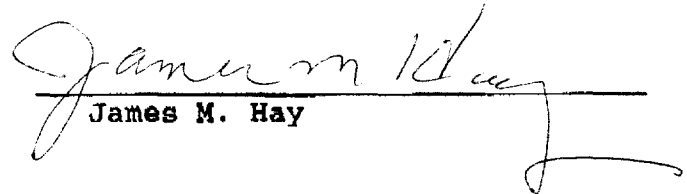
1. I am President of Intermountain Broadcasting Company ("IBC"), the licensee of WJSN(FM), Jackson, Kentucky.

2. Pursuant to the terms of an Agreement between IBC and Wallingford Broadcasting Company, Inc. ("Wallingford"), dated February 2, 1999, IBC and Wallingford jointly authorized the filing of a Petition for Rule Making with the Commission seeking: (1) the substitution of Channel 247C2 in lieu of Channel 293A at Jackson, Kentucky and the modification of the WJSN(FM) license to specify operation on Channel 247C2; and (2) the substitution of Channel 293C3 in lieu of Channel 247A at Salyersville, Kentucky and the modification of the WRLV-FM license to specify operation on Channel 293C3.

3. The Petition for Rule Making was prepared by and filed with the Commission on February 2, 1999 by the law firm of Miller & Miller, P.C. ("Miller & Miller").

4. On August 11, 1999, IBC received a copy of a document entitled "Withdrawal of Petition for Rule Making", dated August 9, 1999, from Miller & Miller. IBC did not authorize Miller & Miller to file the "Withdrawal of Petition for Rule Making".

Executed under penalty of perjury this 13th day of October, 1999.


James M. Hay

**AMENDMENT TO A
PROPOSED RULEMAKING**

**WJSN-FM – Jackson, KY
WRLV-FM – Salyersville, KY**

September 1999

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MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

ENGINEERING STATEMENT

The firm of Munn-Reese, Inc. has been retained to prepare this amendment to an earlier rulemaking filed on behalf of Intermountain Broadcasting Company, licensee of WJSN-FM at Jackson, KY (WJSN-FM). The earlier filing was made in cooperation with Wallingford Broadcasting Company, Inc., licensee of WRLV-FM at Salyersville, KY. In that rulemaking request, an exchange of operating frequencies was proposed for the two stations, as well as an upgrade from the present licensed operating class of each station.

Subsequent to that filing, WJSN-FM has become aware of a potential problem in achieving the required 70 dBu coverage of its community of license from the Channel 247C2 reference point proposed in the original rulemaking request. The original reference point was specified by the coordinates: 37° 45' 55" NL and 83° 29' 06" WL. The present amendment proposes to move the reference point to a location significantly closer to the community of license. This location is defined by the coordinates: 37° 40' 19" NL and 83° 24' 21" WL. The relocation of the reference point is the only change requested in the original rulemaking proposal.

The amended reference point is shown in Figure 1 on a portion of the Landsaw, KY, 7-½ minute topographic map. Inspection of this exhibit will show that the proposed location is suitable for a transmitter site and is in an area that is higher than the surrounding land.

Figure 2 shows a tabulation of the spacing between the amended reference point and other facilities making up the Channel 247C2 allocation. A grant of the requested rulemaking would move WRLV-FM to Channel 293C3 and eliminate the short spacing shown in the tabulation. The spacing to each of the remaining facilities meets the requirements of §73.207(b) when the provisions of §73.208(c)(8) are applied to round the distances to the nearest kilometer.

An InterDLG™ map of the service contours produced by a full Class C2 FM broadcast facility operating at the amended reference point is shown in Figure 3. These contours were produced using the propagation model based on the FCC F(50,50) curves and a digitized 03-arc second database supplied by V-Soft Communications®. The contours were generated using 360 terrain radials with an operating power of 50 kW at a height above average terrain of 150 meters. The location of Jackson, KY, which is the community of license, is also shown on this map. Inspection of the map will show that the community of license is well within the predicted 70 dBu contour.

Because of the unusually rugged terrain present in the area surrounding the community of license, a terrain profile study was made for the signal path between the amended reference point and the community of license. The results, shown in Figure 4, are also based on the use of the above referenced 03-arc second terrain database. Although the signal path is not completely free of obstructions, the profile study shows that any site outside the immediate community area will also present similar challenges.

To more accurately assess the effect of the rugged terrain on the ability to place the required 70 dBu signal coverage over the community of license, a second contour study was performed based on the Longley-Rice propagation model. The results of this study are shown in Figure 5. The Longley-Rice study was performed using the Probe™ software package supplied by V-Soft Communications®. The red portion of the map shows locations where the signal strength, as predicted by the Longley-Rice propagation model, would exceed 70 dBu. Green areas show locations where the signal strength is predicted to range between 60 and 70 dBu.

Figure 5 also shows separate 70 dBu signal strength contours predicted by both the FCC and the Longley-Rice methods. The black line shows the contour produced by the FCC method. As in Figure 1, the contour is based on the use of a digitized 03-arc second terrain database and 360 terrain radials. The blue line shows the 70 dBu contour predicted by the Longley-Rice propagation model. This contour is based on the first occurrence of any signal strength less than 70 dBu—even though there may be other locations beyond this contour where the signal strength will again exceed 70 dBu. As might be expected, given the rugged terrain present in the area, the Longley-Rice contour lies inside the FCC contour in all but a few directions. **Thus, it is noted that the Longley-Rice propagation model is not being used to show an extension of the predicted 70 dBu contour.** Rather, the alternate propagation model is being used to assure interested parties that adequate signal level will exist at all locations within the community of license.

Inspection of Figure 5 will show that the community of license, Jackson, is well within the 70 dBu contour predicted by either propagation model. As further confirmation, an expanded scale map of the Jackson area has been included as Figure 5A. The amended reference site will offer improved coverage of the community of license while meeting all other requirements of the allocation. Thus, the public interest would be served by moving the reference point to the proposed site.

CERTIFICATION

I hereby certify, subject to penalties for perjury, that the contents of this Engineering Statement are true and accurate to the best of my knowledge and belief.

September 22, 1999

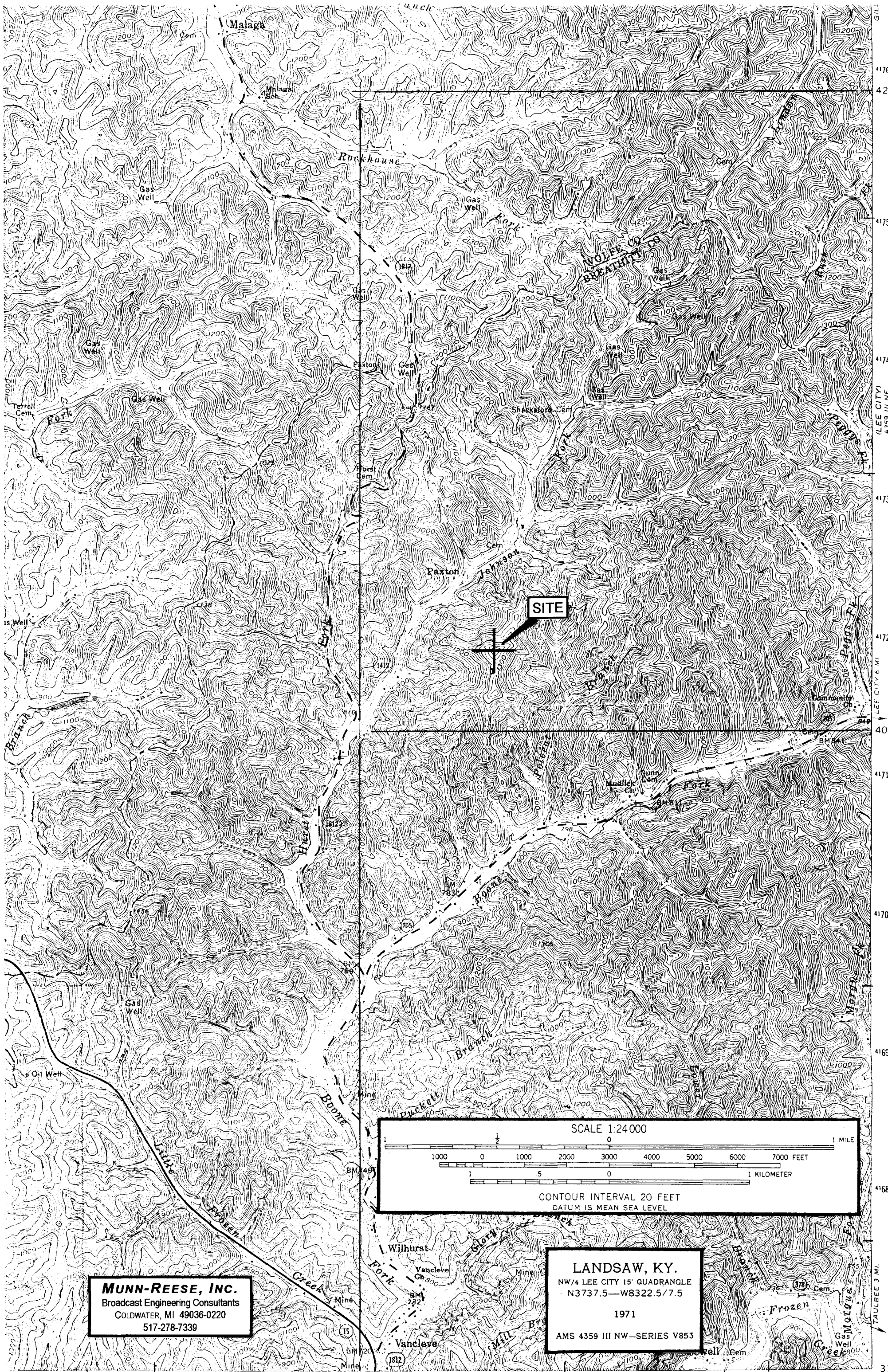
Munn-Reese, Inc.

PO Box 220
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By Wayne S. Reese
Wayne S. Reese, President

517-278-7339

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Broadcast Engineering Consultants
Coldwater, MI 49036



MUNN-REESE, INC.
Broadcast Engineering Consultants
COLDWATER, MI 49036-0220
517-278-7339

LANDSAW, KY.
NW/4 LEE CITY 15' QUADRANGLE
N3737.5-W8322.5/7.5
1971
AMS 4359 III NW-SERIES V853

FIGURE 1

FIGURE 1

FIGURE 2

**TABULATION OF ALLOCATION FROM AMENDED REFERENCE POINT
JACKSON - KY**

REFERENCE		DISPLAY DATES
37 40 19 N	CLASS = C2	DATA 09-18-99
83 24 21 W	Current Spacings	SEARCH 09-21-99
----- Channel 247 - 97.3 MHz -----		

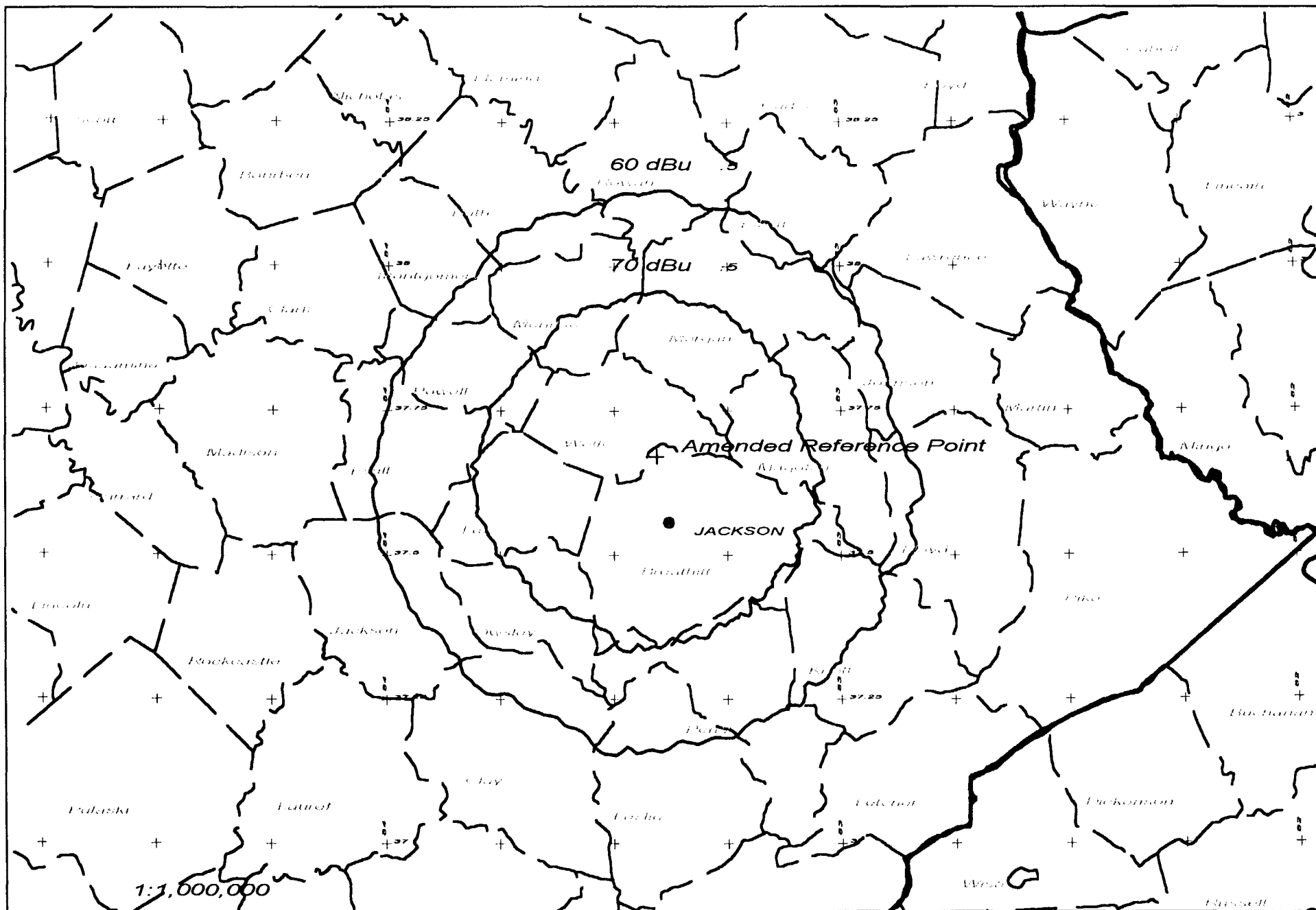
Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
AD247	AD 247C2	Jackson	KY	12.49	326.2	190.0 -177.51
37 45 55	83 29 06	0.000 kW	0 M			
Intermountain Broadcasting Co					990723	
Sub, Upgrade & Chng. Site from CH 293A; loc. 25km North of Jackson						
WRLVFM	CP 247C3	Salyersville	KY	31.61	72.3	177.0 -145.39
37 45 27	83 03 50	ZCN 10.000 kW	103 M			
Licking Valley Radio Corporat				BPH980204IE	990203	
One-Step Application-From channel 247A						
DE247	DE 247C3	Salyersville	KY	31.61	72.3	177.0 -145.39
37 45 27	83 03 50	0.000 kW	0 M			
Wallingford Broadcasting Co.					990723	
Proposed Sub, Upgrade & Chng site to Ch 293C3						
WRLVFM	LI 247A	Salyersville	KY	31.59	72.2	166.0 -134.41
37 45 30	83 03 52	CN 5.200 kW	103 M			
Licking Valley Radio Corporat				BLH910605KB	980227	
*To Channel 247C3 per One-Step Application BPH-980204IE						
DE247	DE 247A	Salyersville	KY	31.59	72.2	166.0 -134.41
37 45 30	83 03 52	0.000 kW	0 M			
Wallingford Broadcasting Co.					990723	
Proposed Sub, upgrade & Chng site to Ch. 293C3; Loc. 20.4 km West of Salyersville						
WQBEFM	LI 248B	Charleston	WV	168.65	60.5	169.0 -0.35
38 24 22	81 43 26	CN 50.000 kW	152 M			
Bristol B/Cting Company Incor				BLH7326	950717	
WSEK	LI 246C2	Somerset	KY	129.80	232.8	130.0 -0.20
36 57 40	84 34 07	CN 27.500 kW	201 M			
First Radio, Inc.				BLH910219KB	960405	
WZQQ	LI 250C3	Hyden	KY	56.62	159.8	56.0 0.62
37 11 36	83 11 04	CN 1.750 kW	368 M			
Leslie County Broadcasting, I				BLH960311KB	960612	
WJXB	LI 248C	Knoxville	TN	190.32	194.4	188.0 2.32
36 00 36	83 55 57	CY 100.000 kW	395 M			
South Central Communications				BLH890928KC	941103	
WBVB	LI 246A	Coal Grove	OH	113.23	42.1	106.0 7.23
38 25 27	82 32 04	ZCN 3.000 kW	144 M			
Adventure Three, Inc.				BLH901119KD	960705	
AD244	AD 244A	Annville	KY	64.17	222.2	55.0 9.17
37 14 37	83 53 35	0.000 kW	0 M			
Vernon R. Baldwin				RM9454	990302	
site restriction of 10.8 km SE						
WKBCFM	LI 247C	North Wilkesboro	NC	269.40	130.5	249.0 20.40
36 04 34	81 07 44	DEN 100.000 kW	411 M			
Wilkes Broadcasting Company				BLH830726AA	951215	

MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

Call N. Lat.	Channel W. Lng.	Location	Power	Dist	Azi HAAT	FCC	Margin
WKBCFM CP	247C	North Wilkesboro	NC	269.42	130.5	249.0	20.42
36 04 34	81 07 43	DEN	100.000 kW		403 M		
		Wilkes Broadcasting Company,		BPH970711IC	970812		
WYLX.C CP	247A	Lebanon	OH	196.85	335.6	166.0	30.85
39 16 53	84 21 11	C CN	5.000 kW		109 M		
		CBS Radio License, Inc.		BPH990525IF	990803		
WAMZ.A AP	248C1	Louisville	KY	189.40	290.9	158.0	31.40
38 15 40	85 25 43	CN	100.000 kW		203 M		
		Clear Channel Holdings, Inc.		BPH990607IB	990910		
WYLX LI	247A	Lebanon	OH	198.71	339.9	166.0	32.71
39 20 57	84 12 08	C CN	4.300 kW		118 M		
		American Radio Systems Licens		BLH980810KC	981116		
WWAG.A AP	300A	Mckee	KY	54.01	235.2	15.0	39.01
37 23 39	83 54 27	CN	3.900 kW		125 M		
		Dany Broadcasting, Inc.		BPH981221IB	990107		
WWAG LI	300A	Mckee	KY	54.11	235.3	15.0	39.11
37 23 39	83 54 32	CN	2.000 kW		122 M		
		Dany Broadcasting, Inc.		BLH900518KG	960819		
WGKS LI	245C2	Paris	KY	97.37	301.5	58.0	39.37
38 07 32	84 21 12	CN	50.000 kW		150 M		
		L.M. Communications, Inc.		BLH910606KI	960405		
WAMZ LI	248C1	Louisville	KY	209.17	282.8	158.0	51.17
38 03 49	85 43 52	CN	100.000 kW		205 M		
		Clear Channel Holdings, Inc.		BLH921202KA	950112		
ALOPEN AL	250A	Kenova	WV	106.95	42.6	55.0	51.95
38 22 38	82 34 33	N	0.000 kW		0 M		
		97-177			980420		
A Filing Window for this Channel will be Opened by the Commission in a Subsequent Order.							
Site Restriction 2.5km South-Effective 4-20-98 per D97-177							
WMJD LI	249A	Grundy	VA	121.08	109.5	55.0	66.08
37 18 08	82 07 04	CN	2.800 kW		149 M		
		Virginia-Kentucky B/Cting Co.		BMLH920619KE	930624		
WXBQFM LI	245C	Bristol	TN	177.91	140.3	105.0	72.91
36 25 59	82 08 11	DCN	75.000 kW		683 M		
		Bristol Broadcasting Co., Inc		BLH950914KB	951207		

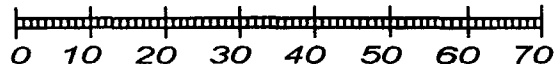
MUNN-REESE, INC.

Broadcast Engineering Consultants
Coldwater, MI 49036



1:1,000,000

Scale in km



Amnd Ref Pt 247C2 50kW 466M AMSL

N. Lat. 37 40 19 W. Lng. 83 24 21

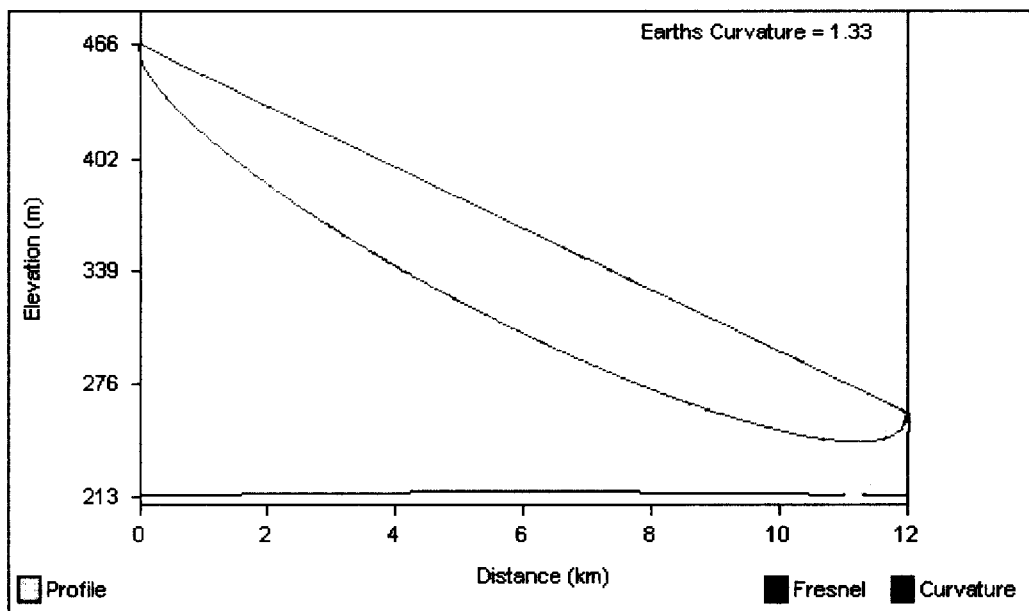
FIGURE 3

Munn-Reese, Inc - 09/99

FIGURE 4

TERRAIN PROFILE

AMENDED REFERENCE POINT TO JACKSON, KY



Path Data:

Frequency: 97.3 MHz

Distance: 12.88 km

Fresnel Zone: 0.6

Bearing: 169.7° True

Reference Site Data:

North Latitude: 37° 40' 19"

West Longitude: 83° 24' 21"

Antenna Height: 466 meters AMSL

Coordinate Reference: NAD27

Receiver Site Data:

North Latitude: 37° 33' 28"

West Longitude: 83° 22' 47"

Antenna Height: 9.1 meters AGL

Coordinate Reference: NAD27

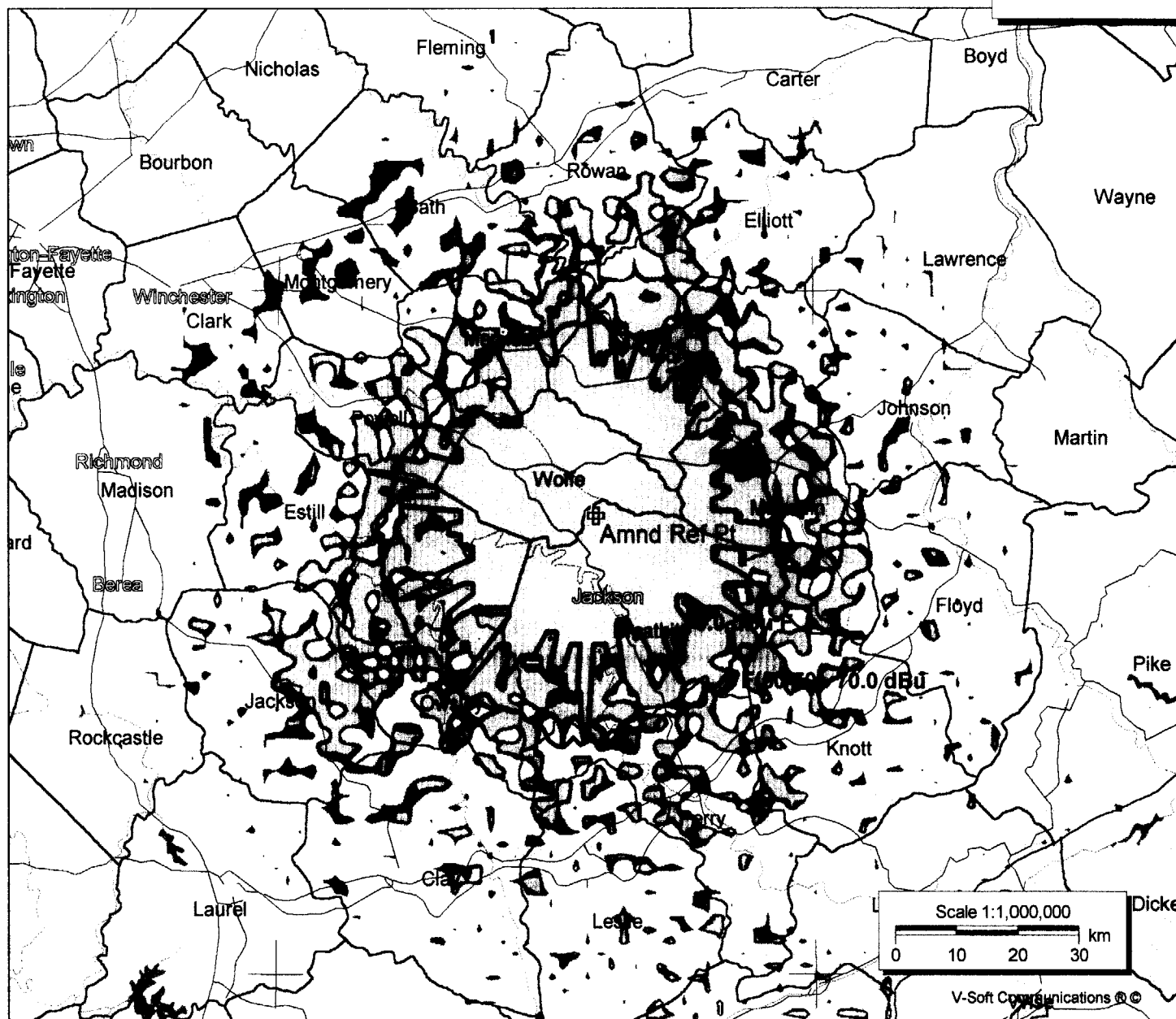
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Amnd Ref Pt
 Latitude: 37-40-19 N
 Longitude: 083-24-21 W
 Power: 50.00 kW
 Frequency: 97.3 MHz
 Channel: 247
 AMSL Height: 466 m
 Elevation: 420.6 m
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 311.0
 Receiver Ht AG: 9.1 m
 Time Variability: 50.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

□ >70.0 dBu
 ■ 60.0 - 70.0

FIGURE 5



Amnd Ref Pt
 Latitude: 37-40-19 N
 Longitude: 083-24-21 W
 Power: 50.00 kW
 Frequency: 97.3 MHz
 Channel: 247
 AMSL Height: 466 m
 Elevation: 420.6 m
 Prop Model: Longley/Rice
 Climate: Cont temperate
 Conductivity: 0.0050
 Dielec Const: 15.0
 Refractivity: 311.0
 Receiver Ht AG: 9.1 m
 Time Variability: 50.0%
 Sit. Variability: 50.0%
 ITM Mode: Broadcast

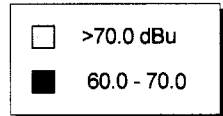
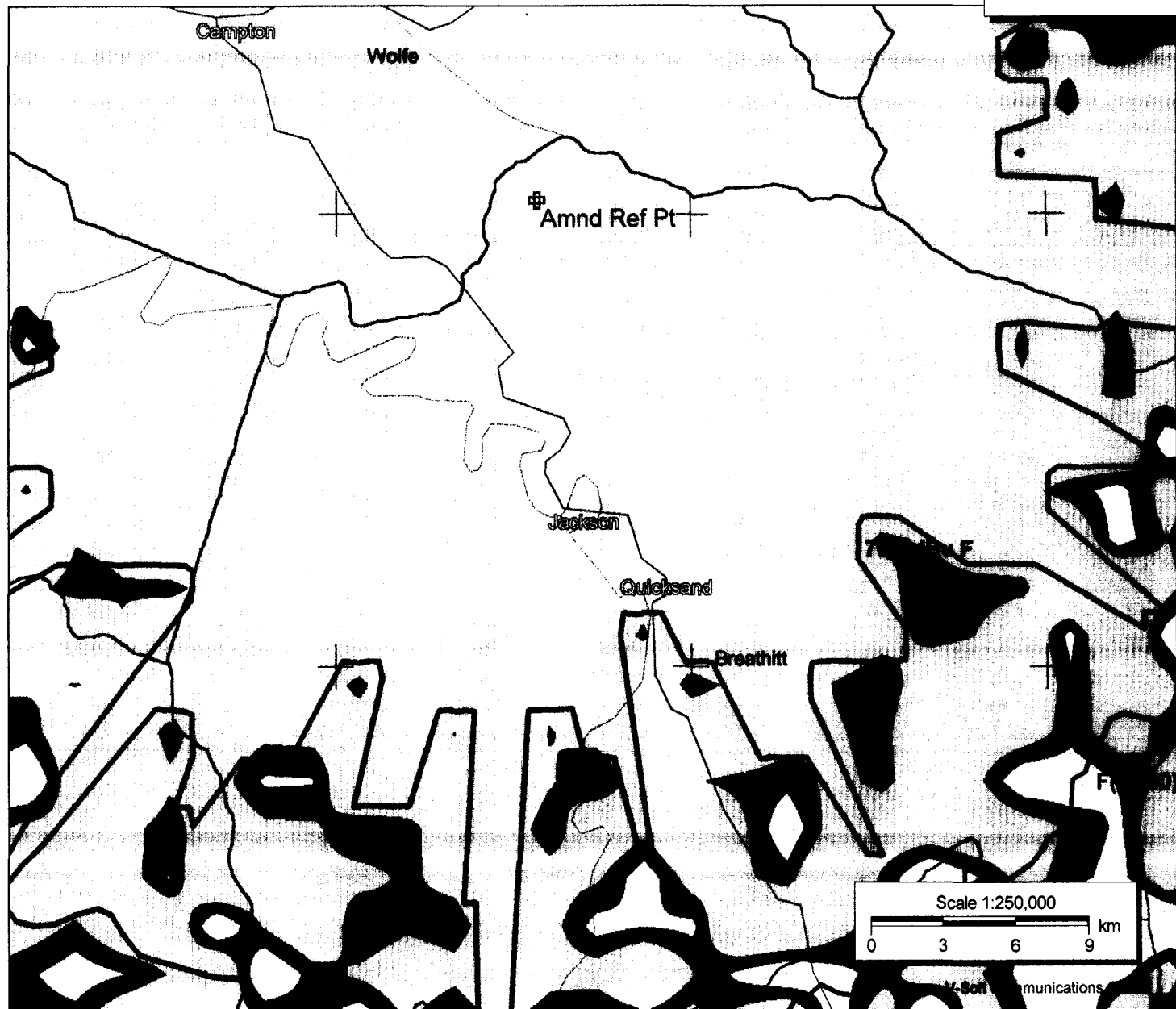


FIGURE 5A



CERTIFICATE OF SERVICE

I, Lisa A. Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that on this 15th day of October, 1999, copies of the foregoing Amendment to Petition for Rule Making were mailed, postage prepaid, to the following:

*Ms. Sharon McDonald
Allocations Branch
Mass Media Bureau
Federal Communications Commission
The Portals - Room 3-A226
445 Twelfth Street, S.W.
Washington, D.C. 20554

Mr. Kelly T. Wallingford
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1030 Winchester Road
Irvine, KY 40336

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*Via Hand Delivery



Lisa A. Skoritoski